

Application Serial No.: 10/038,054  
Response to Final OA mailed 1/9/2006

### REMARKS

Claims 1-3, 10, 11, 13, 15, 20-24, 40-43, and 46-51 are pending in this application. As an initial matter, Applicants wish to thank the Examiner for allowing Claim 43 and stating that Claims 13, 15, 22-24, and 46 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Double Patenting Rejection**

Claims 1-3, 10-11, 20-21, 40-42, and 47-51 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-13, 15-23, 25, 27-35, and 38-43 of U.S. Patent No. 6,838,128.

Enclosed herewith is a Terminal Disclaimer thereby obviating this rejection.

### **CONCLUSION**

In view of the foregoing, Applicants submit that all claims now pending in this Application are in condition for allowance. Therefore, an early Office Action to that effect is earnestly solicited. If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 303-607-3500.

Applicants enclose Form PTO-2038 for payment of the fees for filing a Terminal Disclaimer and a Petition for a one-month extension of time. Please debit any underpayment or credit any overpayment to Deposit Account 06-0029.

Respectfully Submitted,  
FAEGRE & BENSON LLP

By. 

Don D. Cha, Ph.D.  
Registration No. 40,945  
Customer No. 35657

Date: 7-Apr-06

DNVR1:60336896.01